

REMARKS:

Claims 25, 28, 29, 32 and 33 are in the case and presented for consideration.

Previously presented claims been rejected under 35 U.S.C. 103(a) as being obvious from the combination of Hall (U.S. Patent No. 6,484,473) and Massarsch (U.S. Patent No. 5,085,539).

The following limitations of the claims now presented do not appear in either Hall or Massarsch so that the person of ordinary skill in this art, e.g. a designer of structure foundation supports, cannot reach the claims in any obvious way contemplated by 35 U.S.C. 103, even as that statute has been interpreted by the United States Supreme Court in KSR v. Teleflex. In KSR the Court held that the Examiner must find some reason for combining features from the prior art references to meet the claims, but in this case the features are now (and in many cases were not before) present in either reference.

The limitations of Claim 25 that are not present in either Hall or Massarsch are:

1. providing at least one drainage bedding layer (2) on the earth base course;
2. compacting the bedding layer (2) using multiple roller travels;
3. overfilling the compartments of the cellular foil (3) with fill (4) (as will be noted later in these remarks, Hall actually teaches away from overfilling);
4. the fill being quarry stone of grain size 8 to 63 mm;
5. the fill (4) extends above the height of the cellular foil (3) by at least 25 cm (in fact Hall at Fig. 4 and column 3, line 66 to column 4, line 5, teaches that any fill over the foil is undefinable); and

6. compacting the fill over the cellular foil by at least eight travels of a roller;
7. the roller being of 10 to 11 metric tons weight; and
8. with vibration to form compacted fill (4).

The limitation of Claim 28 that is not present in either Hall or Massarsch is:

the drainage bedding layer (2) being finer than the material of the fill (4).

The limitations of Claim 32 that are not present in either Hall or Massarsch are:

at least one further layer of fill (4) is placed over the compacted fill (4); and
the further layer of fill (4) being compacted.

The limitations of Claim 33 that are not present in either Hall or Massarsch are:

two further layers of fill (4) are placed over the compacted fill (4); and
wherein the two further layers of fill (4) are compacted.

Claim 25 also defines the cellular foil (3) to be vertically extending and to have upwardly open compartments for the fill which is supported by the specification as originally filed, e.g. in all of the drawings. Massarsch used horizontally extending and laterally open cells so that it is not seen how the fill of the invention can fill, and even overfill the cells in Massarsch or why the person of ordinary skill in this art would use the teaching of Massarsch to modify Hall in any obvious manner.

The claimed method produces a highly effective foundation support for structures such as buildings and neither Hall alone nor Hall taken with Massarsch reach these claims in any obvious manner under 35 U.S.C. 103.

Accordingly, the application and claims are believed to be in condition for allowance and favorable action is respectfully requested.

Respectfully submitted,
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